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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 MICHAEL SONNER,

Case No. 2:00-cv-01101-KJD-DJA

10 Petitioner,

11 v.

ORDER

12 WILLIAM GITTERE,<sup>1</sup> et al.,

13 Respondents.  
14

15 Before the court is petitioner Sonner's motion for reconsideration of this court's  
16 order denying his prior Rule 60(b) motion. ECF No. 254. For reasons that follow, the  
17 motion will be granted.

18 Sonner is a Nevada prisoner sentenced to death. On August 30, 2017, this court  
19 entered a final judgment denying Sonner's petition for writ of habeas corpus under 28  
20 U.S.C. § 2254. ECF No. 232. On June 24, 2019, the court entered an order denying  
21 Sonner's motion for relief from judgment under Rule 60(b) (ECF No. 245) for lack of  
22 jurisdiction because the case was on appeal to the Ninth Circuit. ECF No. 250. With that  
23 same order, however, the court issued an indicative ruling under Rule 62.1 indicating it  
24 would grant the motion if the Ninth Circuit elected to remand for that purpose. *Id.*  
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27 <sup>1</sup> William Gittere, the current warden of Ely State Prison, replaces his predecessor, Timothy Filson, as the  
28 primary respondent in this case. See Fed. R. Civ. P. 25(d).

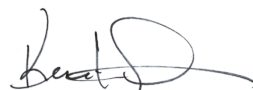
1 On June 27, 2019, the Ninth Circuit granted Sonner's motion for a limited remand  
2 in accordance with this court's indicative ruling. ECF No. 253. Thus, this court no longer  
3 lacks jurisdiction to rule upon Sonner's Rule 60(b) motion. And, for reasons discussed in  
4 the court's order of June 24, 2019, the motion is meritorious – i.e., all the claims in  
5 Sonner's amended petition are timely under *Williams v. Filson*, 908 F.3d 546 (9<sup>th</sup> Cir.  
6 2018). Consequently, Sonner's motion asking the court to reconsider its denial of Rule  
7 60(b) relief should be granted. Furthermore, respondents must now answer previously-  
8 dismissed claims on the merits.

9 IT IS THEREFORE ORDERED that petitioner's motion for reconsideration of this  
10 court's order denying his prior Rule 60(b) motion (ECF No. 254) is GRANTED. This  
11 court's order of June 23, 2013, is vacated to the extent it dismissed claims in Sonner's  
12 amended petition (ECF No. 96) as untimely.

13 IT IS FURTHER ORDERED that respondents shall have **45 days** from the date  
14 on which this order is entered within which to file their answer to the following claims in  
15 the amended petition (ECF No. 96): Claims A-F, J-Z, AA-FF, HH, JJ-WW (except for  
16 PP4, TT2, TT10, and TT11), AAA-FFF, and LLL-YYY (except for XXX). Petitioner shall  
17 have **45 days** following service of an answer by respondents to file and serve a reply.  
18 Respondents shall thereafter have **30 days** following service of a reply to file and serve  
19 a response to the reply.

20 IT IS FURTHER ORDERED that respondents' unopposed motion for extension  
21 of time (ECF No. 255) is GRANTED *nunc pro tunc* as of July 11, 2019.

22 DATED THIS 2 day of October, 2019.

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24 UNITED STATES DISTRICT JUDGE  
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